



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Social and Health Services, Aging and Disability Services Administration

☐ Permanent Rule
☒ Emergency Rule

Effective date of rule:

Permanent Rules

- ☐ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- ☒ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain: _____

Purpose: This rule amendment is necessary to implement Engrossed Senate Substitute Bill (ESSB) 6090, Section 205(1)(e), 2005-2007 Conference Budget (chap. 518, Laws of 2005), which established a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The Family Support Pilot program is funded through June 30, 2007. These amendments will allow the reimbursement to parents who have purchased necessary goods or services. The proposed rule making document for permanent adoption, WSR 06-16-074, was filed on July 28, 2006 and the public hearing is scheduled for September 5, 2006.

Citation of existing rules affected by this order:

Repealed: None

Amended: WAC 388-825-560

Suspended: None

Statutory authority for adoption RCW 71A.12.030, 71A.12.040

Other authority : Chap. 518, Laws of 2005, Section 205(1)(e); Title 71A RCW

"Added by DSHS after filing"

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____ (date)

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ Address: _____ phone () _____

**ADOPTION
PERMANENT
EMERGENCY
EFFECTIVE DATE:**

8/28/06

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Emergency rules are needed preserve the public general welfare to comply with the intent of the Legislature's directive in Section 205(1)(e), chap. 518, Laws of 2005 to preserve and improve the welfare of families of persons with developmental disabilities by providing Family Support Pilot program services. The original rules failed to allow reimbursement to parents who have purchased necessary goods or services that are not available through an existing contract. The proposed rule making document for permanent adoption, WSR 06-16-074, was filed on July 28, 2006 and the public hearing is scheduled for September 5, 2006.

Date adopted:

8/28/06

NAME (TYPE OR PRINT)

Andy Fernando

SIGNATURE

TITLE

Manager, Rules and Policies Assistance Unit

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 28 2006

11:45
06-18-050

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New		Amended		Repealed	
Recently enacted state statutes:	New		Amended	<u>1</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted in the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New		Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New		Amended	<u>1</u>	Repealed	

AMENDATORY SECTION (Amending WSR 06-06-040, filed 2/23/06, effective 3/26/06)

WAC 388-825-560 What department restrictions apply to FSP?

The following department restrictions apply to FSP:

(1) FSP services are authorized only after you have accessed what is available to you under Medicaid, and any other private health insurance plan, school or child development services.

(2) All FSP service payments must be agreed to by DDD and the client in a written service plan.

(3) The department will contract directly with a service provider((s)), or a parent for the reimbursement of goods or services purchased by the parent. FSP funding cannot be authorized for services or treatments determined by the department to be experimental.

(4) Your choice of qualified providers and services is limited to the most cost effective option that meets your assessed need.

(5) Respite care cannot be a replacement for child care while the parent or guardian is at work regardless of the age of the child.

(6) The department shall not authorize a birth parent, adoptive parent, stepparent or any other primary caregiver or their spouse living in the same household with the client to provide respite, nursing, therapy or counseling services.

(7) FSP will not pay for conference registrations.

(8) FSP will not pay for behavior management/counseling procedures, modifications, or equipment that are restrictive.

(9) FSP will not pay for services provided after the death of the eligible client. Payment may occur after the date of death, but not the service.

(10) FSP will not pay for employment services if you are under age twenty-one or are designated to receive DDD funded transition services.